

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Dorothy Smith,

Plaintiff,

v.

**Michael J. Astrue,
Commissioner of Social Security,**

Defendant.

C/A No. 8:06-3244-CMC-BHH

OPINION AND ORDER

This matter is before the court on Plaintiff's motion for attorneys' fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d). That motion was referred to Magistrate Judge Bruce Howe Hendricks for a Report and Recommendation ("Report") in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 83.VII.02, *et seq.*, D.S.C.

The Report recommends an award of attorneys' fees in the amount of \$7,690.76. The Commissioner of Social Security ("Commissioner") has filed a document indicating he does not intend to file an objection to the Report.

This court is charged with making a *de novo* determination of any portion of the Report to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in

order to accept the recommendation.”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After reviewing the record, the applicable law, the briefs of counsel and the findings and recommendations of the Magistrate Judge, the court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. For the reasons set out therein, the court awards Plaintiff attorneys’ fees under the EAJA in the amount of \$7,690.76.

IT IS SO ORDERED.

S/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
December 16, 2008